CR No. 184 of 2007.

07.11.2007 Present: Mr. K.D. Sood, Advocate, for the petitioner.

Mr. Ashok Sood, Advocate, for the respondent.

CMP No. of 2007.

The parties have amicably settled the disputes forming the subject matter of this petition. They have filed a joint application under Order 23 Rule 3 of the Code of Civil Procedure. This application has been jointly signed by the parties and their learned Counsel. It is supported by the affidavits of the petitioner and the Superintendent (Estate), Kurukeshtra University, Kurukeshtra.

While going through the contents of aforesaid joint application, I noticed that in para 7 thereof there is a recital that if the petitioner does not pay the use and occupation charges from 1st November, 2007 to 31st March, 2009 at the rate of Rs.3,000/- per month, such non-payment shall amount to committing contempt of this Court. I totally disapprove this recital in the aforesaid para of the application. Not paying the use and occupation charges does not and cannot amount to committing contempt of this Court, especially when the parties have entered into an agreement out of the Court. Actually, the parties ought not have made the aforesaid recital in the aforesaid manner in the application.

The application is allowed. CR No.184 of 2007 is disposed of as settled based upon the aforesaid compromise having been entered into between the parties. The parties shall abide by the compromise. The joint application shall be treated as an undertaking also on behalf of the petitioner.

CMP No. 864 of 2007 and Caveat Petition No.861 of 2007.

Infructuous.

November 7, 2007. **(V.K. Gupta), C.J.**
(rc)